

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In the Matter of

Revision of Part 22 of the  
Commission's rules governing  
the Public Mobile Services

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CC Docket No. 92-115

To: The Commission

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

COMMENTS OF  
METROCALL OF DELAWARE, INC.  
A PRIVATELY HELD RADIO COMMON CARRIER

October 5, 1992

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To: The Commission

**COMMENTS OF METROCALL OF DELAWARE, INC.  
A PRIVATELY HELD RADIO COMMON CARRIER**

Metrocall of Delaware, Inc. (Metrocall) is a privately held Radio Common Carrier holding licenses under Part 22 of the Commission's Rules and under Part 90 in forty (40) States. Metrocall was first licensed as a Common Carrier in 1966, and currently provides radio paging services throughout the nation. Metrocall was a partner in the initial Cellular license to the Washington/Baltimore Cellular system, one of the largest MSA's in the U.S.A. The principle owner of Metrocall, Mr. Harry L. Brock, Jr., was one of the founding partners of Cellular One of Washington. Additionally, Mr. Brock has been a key participant in cellular operations serving Norfolk, Virginia and Bakersfield, California. Metrocall and its predecessor organization, Advanced Radio Communications Company has participated extensively in land mobile two-way communications sales and service, and has been active as a licensee in Specialized Mobile Radio (SMR). Further, the officers of Metrocall have extensive operating experience under Parts 81 and 82 of the Commission Rules and have been active participants in several developmental communications technologies. With over twenty eight years of experience as a licensed common carrier, and now providing service to in excess of 200,000 paging subscribers, Metrocall and its

officers have standing before the Commission, and are well qualified to comment in the matter of the Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, 7 FCC Rcd.3658 (1992) ("NPRM").

Metrocall has a thorough understanding of the Docket before the Commission in this important matter. Also, Metrocall jointly participated as an author of the Telocator comments filed on the Commission's Notice of Proposed Rule Making in this proceeding. Of great importance to our industry at large, and to the Commission, are the perspectives and observations contained in this comment, which embodies the sometimes unique considerations of the small privately held Radio Common Carrier. These comments, while stating the concerns and recommendations of the small privately held carrier, are directed towards a fair, open "level playing field" concept for all sizes, types and classes of carriers.

It is our belief that such a policy will develop fair, simple to follow regulations and evolve a fair, competitive, robust marketplace for these services. Small privately held common carriers now operate on a national basis, but without the benefits of being associated with large Regional Bell Operating Companies, LEC's, or publically held and traded corporations. The entities enjoy options of delayed profitability, subsidized operations, and frequently assume public debt to build facilities.

Companies such as Metrocall, who formed the original corner stones of Radio Common Carriers throughout the United States today, should be considered since it is often from these smaller organizations that creative thought leadership, and meaningful resolution of Commission issues has been found.

To facilitate our response, we shall respond to all the key points of the Part 22 Revision, but will limit our detailed comments to those issues from which Metrocall of Delaware, Inc. may present a unique position which differs from that of the Telocator submission.

With Metrocall's established standing as an affected participant by the Part 22 Revision, we urge the Federal Communications Commission to incorporate into its Final Order several suggestions discussed below to assist the Commission in fully realizing its goals to make the Part 22 Rules easier to understand, to eliminate outdated regulations and unnecessary information requirements, to streamline licensing procedures, and to allow licensees greater flexibility in providing service to the public. Success in this endeavor will reduce the work load on the Commission staff, and its licensees, speed processing time, and reduce unneeded regulation to the total net benefit of the public.

#### **EXECUTIVE SUMMARY**

On June 12, 1992, the Commission released a Notice of Proposed Rule Making to revise Part 22 of the Federal Communication Rules Governing Public Mobile Services. This was to be the first comprehensive revision of the Part 22 Rules since 1983. In this NPRM, the Commission proposed to:

- Eliminate certain Form 489 Notification Requirements for minor changes and to permit the addition of transmitters within the contours of existing stations.
- Make significant technical revisions including replacement of the use of Carrey Curves.
- Grant applications on a conditional basis provided that non-interference caused by errors in the application were controlled.

- Adopt a first-come, first-served application process which would eliminate comparative hearings and lotteries.
- Grant a finders preference to organizations discovering unused frequencies.
- Open a limited amnesty period, during which licensees turn in authorizations for unoccupied channels, under conditions of amnesty from forfeiture liability.
- Delete several obsolete provisions which were applicable to initial cellular license applications.
- Reorganize and retitle the rules into service specific subsections.
- Specify when authorizations may terminate in the absence of Commission action.
- Eliminate subscriber loading requirements through the adoption of stricter requirements for acquisition of additional channels.
- Streamline and restructure the assignment of channels to ground stations for air ground service.
- Revise Forms 401, 489 and 490 and to
- Convert to the metric system.

Metrocall of Delaware, Inc. embraces the Government's efforts to make changes in Part 22 of the FCC Rules. At the current rate of technology growth, and the ever growing marketplace for mobile communications, there has been a natural aging of selected portions of the Rules, thus making them no longer necessary. Experience gained in granting Cellular MSA/RSA's have shown a regulation can be useful and affective; and reduce administrative process over the heavy regulation of each individual transmitter, frequency and site. The revisions proposed in these comments will assist the Federal Communications Commission in

achieving its objectives, in better serving its licensees, and in better stewarding of vital communication resources and manpower to the net economic benefit of the nation.

However, Metrocall believes it important to underscore for the Commission that selected proposed changes may increase the burdens on licensees, and risk reducing the flexibility of the licensees to offer services that are otherwise in the public interest. With this as background, we believe that the proposals should be changed to offer licensees necessary flexibility to provide innovative and competitive opportunities in mobile communication services to the public, without undermining or otherwise impeding the Commission's ability to insure that our national spectrum resources are appropriately used. Accordingly, Metrocall joins Telocator in their request to modify the Commission's proposals as followed:

1. Modify the first-come, first-served policy to recognize the needs of existing wide area services providers.
2. Limit the conditions attached to licensees.
3. Expand the application of the amnesty provisions.
4. Modify the rules regarding termination of authorizations to accommodate legitimate needs of carriers.
5. Pursue magnetic and other advanced media filing proposals, rather than adopt additional micro fiche requirements.
6. Clarify that the use of unofficial records will not result in forfeitures.
7. Revise the Commission application content and format to reduce the size of the forms and eliminate unnecessary information or sketches.
8. Clarify the scope and procedures for finders preference applications.

9. Expand the period for filing renewals to one year before expiration.
10. Explain the use of old and new coordinates.
11. Specify the FAA requirements for pre-grant construction.
12. Increase the period for closing assignments and transfers.
13. Clarify control point and posting requirements.
14. Increase the use of public notices to apprise parties of 489 filings.
15. Improve licensee ability to consolidate call signs.
16. Allow licensees to use Form 489 to notify the agency of facilities that offer service to unserved areas within their market area.
17. Decline to adopt a bar on multi-frequency transmitters, and consider multiple licenses in low population areas.
18. Allow for station identification every sixty minutes to increase subscriber access to spectrum.
19. Accept the filing of an application for another channel upon the grant of a construction permit.
20. Examine anomalies in the formulas intended to replace the Carrey Curves.
21. Clarify the definition of interference.
22. Re-evaluate the 931 Mhz separation tables, minor modification rules and assignment policies.
23. Modify the rules regarding modifications to control facilities.
24. Allow mobile frequencies to be used to control unpaired channels.
25. Revise the air ground proposals to accommodate existing stations and operations.



Each of these suggestions has been discussed fully for the Commission's convenience in both the Telocator and CTIA comments submissions. Metrocall of Delaware, Inc. has been an active participant in the development of those recommendations, and thus will only briefly underscore Metrocall's concurrence with our industry association position. To the extent that Metrocall of Delaware has amplified cause or comment, these comments will be included in this document.

Our comments are divided to the following three sections:

- I. General issues, including administrative filing and processing.
- II. Specific comments pertaining to paging and mobile telephone matters.
- III. Comments on the Commission's concerns for the use of control frequencies.

**I. ADMINISTRATIVE FILING AND PROCESSING - GENERAL ISSUES**

**A. First-Come, First-Served**

Metrocall of Delaware concurs with the Telocator position that the FCC's proposal will hamper expansion of wide area systems by increasing the incentives for speculators or competitors to file applications, which may block expansion of such systems. The first-come, first-served process outlined under this proposal will only protect wide area systems to the extent that competing applications are received on the same day and thus would be entitled to random selection process. Major filings would still be listed in periodic public notices and a thirty day period for filing petitions to deny would remain. However, the sixty day period the agency currently allows for the filing of competitive applications would be eliminated.

While the provisions of the first-come, first-served proposal may not effect large companies that make expansion plans early, it would have a serious detrimental effect on small companies that cannot engage in the comprehensive long range planning necessary to preempt abusive filers. Smaller companies cannot build far ahead of need, providing for future area expansion, but idling large capital investment. Small companies have less access to capital, higher capital costs, and a need to preserve economic efficiencies.

Additionally, such a program may encourage spectrum banking and frequency abuse, by permitting speculators which anticipate the expansion of a current regional system to capture channels common and necessary to that system but now on the fringe of coverage. Such a program works to the detriment of the industry, and represents opportunities for spectrum speculation, and provides little in the way of meaningful service to the industry or the Commission.

Unless modified, the first-come, first-served approach may also affect an avalanche of filings before and following the effective date of the rule, since existing licensees and speculators will undoubtedly rush to protect their interests: This section alone, could provide a debilitating strain on the already limited resources of the Commission's licensing facilities. A further impact will be a decline in the application processing speed and in the overall service to the public.

A preferable approach is to adopt a licensing program, allowing licensees in a particular market area thirty days, rather than sixty days, from the date of public notice within which to file a mutually exclusive application. This will be especially effective if the Commission permits licensing on a market area rather than on a per facilities basis. This will be a more efficient mechanism to achieve the Commission's goals to speed licensing, reduce regulatory delay, and encourage publically beneficial wide area services for paging comparable to what has been accomplished for cellular.

At a minimum, Metrocall of Delaware joins Telocator in recommending that the proposal be revised to provide co-channel licensees within 150 miles (240 kilometers) of the facilities proposed in the application, thirty days from the date of public notice within which to file a mutually exclusive application. Further, Metrocall opposes the agency's proposal to eliminate a comparative option. The comparative hearing process serves as an important mechanism to permit licensees to file an application to expand service without the risk of lotteries, which have shown to be ineffective in promoting meaningful competition and service to the public.

**B. Conditional Licensing**

The Commission's NPRM includes a proposal to adopt a certification requirement for paging and rural radio telephone services which would "condition" authorizations on non-interference for the entire term of the licensee. Provided the interference occurs because of an error or omission in the technical exhibits of the

application, the FCC would retain the right to order the licensee, without affording an opportunity for hearing, to suspend operation at the location causing the interference, until the interference is resolved.

This proposal raises several serious concerns that will adversely effect service to the public. Perhaps most importantly, implementation of a no-hearing proposal may prejudice those customers who have come to rely on service from the facilities. Further, it creates needless uncertainty likely to make it more difficult to finance and ultimately market facilities which are operating on a conditional license for up to the ten year term currently allowed. Metrocall requests that the Commission, in its proposal consider the business impact, not just the technical aspect, as both of these effect service to the public.

Metrocall therefore joins Telocator in a recommendation that the Commission not place such a long term condition on the authorization. Metrocall suggests that the Commission limit the period of time after commencing operation that a carrier would be required to shut-off the facilities for reasons of interference. Metrocall suggests that the appropriate time period should be a maximum of 180 days from commencement of service to the public (or from the public notice of the filing of Form 489 notification of its public notice approach discussed below is implemented). These changes should be effected in proposed Sections 22.147 and 22.352 as well. Without question, the licensee will continue to have a responsibility to cure any interference as quickly as possible, but there would be no specific rule requirement to shut down service. Further, Metrocall

requests that the Federal Communications Commission specifically limit and describe the types of interference that would invoke the conditions placed on the licensee. Specifically, Section 22.145, as proposed, should be clarified to indicate that the condition applies only for interference caused by "an error or omission in the technical exhibits to the application". This interference should involve only co-channel interference, since adjacent channel interference and spurious omissions should be cured according to the Commission's other rules and not implicate the condition placed on the licensee. Metrocall further requests that the Commission clarify the definition of interference so as to avoid disputes as to whether the alleged impairment constitutes a legally recognized interference. The basis for a complaint of interference should be limited to showing that there is a demonstrable error in the application that lead to the grant of the authorization and should be based on whatever curves, formulas, or tables were used initially to authorize the facilities.

We respectfully request that the rules in this matter make clear the approach used to determine whether a proposed station would cause interference.

**C. Amnesty**

At this time, the FCC has initiated a limited amnesty period during which licensees who return authorizations for unused channels will not be subject to forfeiture for failing to notify the Commission in accordance with Section 22.303, which addresses the current rules for notifying the Commission of commencement of service, when, in fact, such service may not have commenced.

Metrocall requests that the Commission clarify, either by public notice issued prior to the adoption of its rules or in its final rules, that the scope of the amnesty also applies to the correction of licensee records at the Commission where actual operations may be at variance from that shown on the records. Such clarification will be important should the Commission adopt its conditional licensing proposal, since there will be a premium on having accurate information. The amnesty proposal should facilitate this significant and important improvement.

Further, the Commission should consider occasional periods of Amnesty to allow carriers to correct the data base, without fear of forfeiture. It is clear that with the volume of filings the Commission will process, administrative errors will be made by both the Commission and by the industry. Under the current proposal, the Commission will provide a disincentive in future years, for carriers to seek correction of the Commission's data base, due to forfeitures. This will assure the Commission's data base will never be optimized. The best way to insure the accuracy of the Commission's data base is to recruit the industry as a resource for correction, rather than to punish the resource for honest corrective efforts.

The amnesty period, which began on the date of the NPRM is currently scheduled to run until the new rules adopted in the proceeding become effective. Metrocall of Delaware believes that the amnesty should run until the new rules become final and that all appeals have been exhausted. This request is made in light of the uncertainty associated with the appellate process, which may offer an

incentive to wait until the new rules are firmly in place before returning an authorization.

Provided the Commission clarifies its rules as Metrocall and Telocator have mutually suggested, the same public notice procedure suggested herein should apply in order to make such corrections effective.

**D. Termination of Authorizations**

The Commission proposes that authorizations that automatically expire without further action by the Commission for failure to commence service in a time period is required by the rules. Under this proposal, the thirty day extension period also would be eliminated. Proposed Section 22.121 (d) would preclude the filing for one year of another application on this same channel or in the case of 931 Mhz in the same band, if the authorization were to expire automatically for failure to commence service.

Metrocall joins Telocator in its belief that this specific proposal does not provide licensees the necessary flexibility to expand into wide area systems in the face of uncertainty associated with site problems and potential co-channel interference. Additionally, the first-come, first-served policy, if adopted without the Telocator/Metrocall proposed revision, would work against the development of regional systems during a time when the public is demanding regional and national coverage. Thus, Metrocall urges the Commission to increase the

construction period to two years, to accommodate these concerns or alternatively, not to make any prohibition on reapplying for a frequency if the facilities are within a specified mileage of an operating co-channel station.

This proposed revision also accommodates situations involving licensees who would be prohibited from reapplying for facilities for one year after learning that it would not commence service at a site, due to involuntary reasons such as zoning restrictions or state and local regulations.

Metrocall joins Telocator in urging the Commission to clarify the definition of the term "service to the public", which may be used in determining if a license has terminated. We believe that the provision of service should entail the construction of functioning equipment that could be used to provide service upon request. This requires the use of a transmitter, antennae, transmission line, and a terminal that is connected to the transmitter. Upon request from an official at the Commission, the system must be able to transmit a page within a short period of time (ten minutes).

**E. Micro Fiche Requirements**

The NPRM proposes a requirement that carriers submitting filings of three or more pages submit on micro fiche. Additionally, all form filings regardless of length must be micro fiched. Metrocall of Delaware vehemently opposes the Commission's proposal in this regard, because it expands the already burdensome micro fiche requirements, a burden born solely by Part 22 licensees. Further,



based on our specific and real time experience, permanent or updatable micro fiche is a now obsolete technology as compared to CD Rom, and optical disk alternatives.

As an example, in late 1989 Metrocall embarked upon a complete updatable micro fiche operation for all of its 200,000 subscriber records. With only twelve months of experience with updatable micro fiche, we discovered economic efficiencies of newly available optical disk technology. The optical disk operating efficiencies were sufficient to not only off set the cost of the almost immediately obsoleted micro fiche equipment, but also to cover the new acquisition cost of the optical disk equipment.

Metrocall urges the Commission to undertake a detailed technology review of filing alternatives to micro fiche. Further, Metrocall joins Telocator in its recommendation that rather than implement the burdensome micro fiche requirement without further consideration, that as an interim step the Commission should work quickly to develop magnetic media filing. Magnetic media filing is a viable alternative used in other government agencies, including the Internal Revenue Service for effective and time efficient processing and record keeping.

The Commission's current procedures in Section 1.45 of the Rules currently allows for micro fiche of original documents within fifteen days of a pleading. However, proposed rule 22.105 eliminates this option. This change will be particularly burdensome to smaller carriers who lack in-house micro fiche capabilities and face sharply higher cost for rush service from outside contractors.

More importantly, this all takes place without delivering the necessary efficiency to the Commission, which will be required for effective record keeping through the close of the century. The current practice can and should be relieved without increasing the micro fiche burden on the Commission.

**F. Official Record**

Metrocall agrees with the Commission's intention to codify the agencies policy that the Commission's files constitute the official record for each station. Metrocall supports the Commission's effort to clarify the status of its official records, and also encourages the Commission to continue its efforts to eliminate duplicate and erroneous records in its computer data base.

**G. Application Content**

Metrocall joins Telocator in seeking the Commission to define the term "existing structure" in Section 22.115 (a) (2) of its proposed rules. Applicants should not be required to supply a sketch when the proposed antennae is top mounted, even if it does increase the height, since this information can be easily communicated without such a sketch. We recommended that the Commission explore the possibility of using the approach currently used on FCC Form 574, which uses illustrative sketches on the form and then asks applicants only to provide needed information regarding the heights of the facilities or antennae.

**H. Finder's Preference**

Metrocall joins Telocator in asking the Commission to clarify whether the finders preference will apply retroactively to applications now pending at the

Commission, particularly in the case of 931 Mhz applications. The Commission should clarify when the preference will go into effect and how it will apply to those applicants on what now amounts to a 931 Mhz waiting list. Further, the agency should make clear whether, and if so how, the preference will apply if asserted when the agency is processing applications for 931 Mhz in the area that would be served by the channel.

**I. Renewals**

Metrocall urges that the Commission consider changing proposed Section 22.145 addressing license renewals to allow for filing renewals at any time within the last year of the term of the license. This approach permits the Commission and the industry to allocate resources to the renewal process in a timely and orderly fashion, so as to facilitate accurate renewal applications without overburdening the Commission and its staff.

**J. Form Changes**

Metrocall agrees with and supports the proposed changes to FCC Forms 401, 489 and 490, as they will assist both the Commission and the industry by providing an overall reduction of paperwork. However, Metrocall further urges the Commission to additionally revise its FCC Form 401 to:

- Delete item 30 regarding beam width of major lobe of radiation.
- Delete the extra lines in item 37 listing the points of communications.
- Delete item 34 (d) listing the omissions designator.
- Provide the height above average terrain (HAAT) on the form.

- Consider alternative formatting changes to Schedule D of Form 401 to reduce it from two and a half pages to two.
- Eliminate the Option to Use Form 401 from microwave facilities applications.

Such changes will eliminate redundancy and unnecessary items now included on several FCC forms.

**K. Antenna Survey Branch Issues**

Based on the industry experience, Antenna Survey Branch issues often delay the processing of FCC applications. Thus, the coordination of FAA and FCC information is of grave concern. Metrocall joins Telocator in the industry concern that the use of two different sets of coordinates for each tower will increase the likelihood of protracted disagreements on tower locations. Therefore, Metrocall urges the Commission to clarify how it will address the differences between the two antenna data sources. For reference, proposed Section 22.115 (a) (4) indicates that the Federal Aviation Administration will use the 1983 North American Datum as of October 15, 1992, but that until further notice the Federal Communications Commission will use the 1927 datum. Clearly, it is in the interest of all parties, the Federal Communications Commission, the Federal Aviation Administration, and the mobile radio communications industry to agree to the use of a single datum for antenna survey.

**L. Pre-Grant Construction**

Metrocall respectfully requests the Federal Communications Commission to clarify its proposed Section 22.143, which states that an applicant may construct prior to a grant of its application at their own risk. This provision reduces the disparate regulatory burden born by Part 22 licensees vis-a-vis Part 90 licensees who offer private carrier services to the same market without the same limitation.

Further, Metrocall requests that the Federal Communications Commission address certain FAA problems associated with prior construction. At this time, the pre-grant construction rule is interpreted as requiring the applicant to obtain painting and lighting specifications from the Antenna Survey Branch, even if the facilities are to be placed on an existing tower for which specifications already exist. This approach contrasts with that which is applied for fill-in facilities, where the rules do not require an applicant to obtain the same information from the ASB in advance as long as the licensee has the specifications before building the facilities.

Additionally, Metrocall and Telocator note that the current FAA painting and lighting rules do not match those in Part 17 of the Federal Communications Commission Rules. Metrocall respectfully urges the agency to review this matter and make it consistent with the requirements of the Administrative Procedure Act.

**M. Assignment and Transfers**

Metrocall suggests that the Commission revise proposed Section 22.137 (b) such that consent is valid when granted and remains valid after sixty days from

the date of public notice of the grant. This approach will reduce the confusion and pressure associated with obtaining copies of the grant and make it more likely that parties will be able to close on a Final Order without having to seek an extension on the grant.

Further, the definition of "assignment of authorization" in proposed Section 22.99 should be addressed to remove the phrase "transfer of control of the licensee" since this a separate but related concept.

**N. Control Points/Posting**

Proposed rule Section 22.235 requires each station in the public mobile services to have "at least one control point and a person on-duty who is in charge of station operation". Section 22.303 in the proposal requires "a current authorization for each station to be retained as a permanent part of the station records. A clearly legible photo copy of the authorization must be available at each regularly attended control point of the station. The station call sign must be clearly and legibly marked on every transmitter, other than mobile transmitters, of the station".

Such provisions place additional administrative burdens on radio common carrier operators. Metrocall therefore requests the Commission to make clear its requirements and in particular change the rules so as not to suggest that it is necessary to have a person "physically" at a control point twenty-four hours a day,

but rather to be accessible or on call to the control point of the facilities. Metrocall joins Telocator in urging the Commission to define what constitutes an on duty contact person.

Further, Metrocall requests that the Commission allow for the retention of records at only one regularly attended control point. The maintenance of such records at all regularly attended control points is superfluous and unnecessary and contributes to an over burdening of record keeping.

**O. Public Notices**

Metrocall joins Telocator in recommendations that the public notice rules provide for regular periodic public notices of both applications accepted for filings and grants. Further, we ask that the Commission develop a policy giving public notice of Form 489 notification filings to enable the industry to keep current track of Form 489 activity.

**II. PAGING AND MOBILE TELEPHONE ISSUES**

**A. General Issues**

**1. Call Sign Consolidation**

Metrocall of Delaware believes that the proposed rule 22.507 which provides for insuring that station files comprise data on operationally related transmitters, will impose unnecessary burdens upon commissioned licensees without meeting the overall objectives. It is clear that the Commission has not defined what constitutes "operationally related", thus making it difficult to be in compliance with 22.507. If it is the intent of

the phrase to mean "facilities that provide the same service" then we draw the Commission's attention to the fact that a number of current authorizations list facilities that support different systems. Further, the FCC also authorizes operationally related facilities under different call signs.

With this background, Metrocall urges the Commission not to apply this rule retroactively to divest operationally unrelated facilities from particular authorizations. If, however, after careful consideration the Commission believes that retroactive application is important, then we request that at a minimum it should allow licensees an opportunity to request reorganization of their station files to consolidate under a single call sign operationally related facilities currently licensed under different call signs. We recommend the proposed Section 22.507 (b) should be revised to provide explanation of the procedure to be followed in call sign consolidation. It is our recommendation that such filings and notifications be submitted on Form 489, which asks that the Commission change its records to be in conformance with call sign consolidation.

## **2. Elimination of Inner-Site Filings**

The proposed rule making seeks to modify the FCC's regulations allowing licensees to make certain minor changes in its facilities and operate additional transmitters without prior Commission approval or without notifying the Commission of such changes. Under this program,



licensees will be required only to maintain accurate up to date records of facilities added or modified, that could be provided to the Commission upon request. We believe that this approach will conserve government and industry resources.

Metrocall supports the FCC's proposal and joins Telocator in two additional suggestions. We believe that Form 489 should still be required when the outer composite service contour is decreased. Without such, competing licensees might not recognize the interference protection they must afford co-channel licensees.

Also, we urge the Commission to explore allowing licensees flexibility to construct sites for the interference contour and reliable service area contour of the proposed station and totally surrounded and contained within the interference contour and reliable service area contour of existing stations. This permits licensees to offer service to areas within their market area that are not part of their service contour, but are not conserved by competing licensees or applicants.

If this approach is not satisfactory, the Commission could permit fill-in applications without the prospect of competing applications as long as the fill-in stations interference contour would be within the carriers existing composite interference contour since these areas could never be utilized by another carrier.